



January 22, 2020/Calendar No. 5

M 840260 (F) LDM  
Corrected

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**IN THE MATTER OF** an application submitted by 60-74 Gansevoort Street LLC, 52-58 Gansevoort Street LLC and 46-50 Gansevoort Street LLC for a modification to Restrictive Declaration D-94 (C 840260 ZMM), as amended, to allow Use Groups 3, 4 and 6B uses in accordance with the underlying zoning regulations on three existing zoning lots located at 60-74 Gansevoort Street (Block 643, Lot 43), 52-58 Gansevoort Street (Block 643, Lot 49), and 46-50 Gansevoort Street (Block 643, Lot 54), in an M1-5 District, Borough of Manhattan, Community District 2.

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**WHEREAS**, on September 26, 2019, 46-50 Gansevoort Street LLC, 52-58 Gansevoort Street LLC, and 60-74 Gansevoort Street LLC submitted an application (M 840260F LDM) to modify a restrictive declaration (D-94) dated April 13, 1984 to allow Use Group 6B office uses and Use Groups 3 and 4 community facility uses in an existing building located at 46-74 Gansevoort Street (Block 643, Lots 43, 49, and 54) in the Borough of Manhattan; and

**WHEREAS**, the restrictive declaration (1984 Declaration), dated April 13, 1984, was recorded in the New York City Register at Reel 818, page 1107; and

**WHEREAS**, the 1984 declaration was enacted relating to an approval of a zoning map amendment (C 840260 ZMM), sponsored by the Rockrose Development Corporation and affecting a nearby two-block area bounded by Gansevoort, Washington, W. 12th and West streets. This action changed the zoning designation on these two blocks from M1-5 and C8-4 districts to a C6-2A District to facilitate the development of new residential buildings on properties owned by the project sponsor and the residential conversion of non-residential buildings also owned by the project sponsor; and

**WHEREAS**, the application for the zoning map amendment (C 840260 ZMM) was the subject of a Final Environmental Impact Statement (FEIS). The FEIS (82-270M) disclosed that the map

amendment could potentially result in adverse impacts on industrial/meat production-related businesses occupying properties owned by the rezoning applicant, located in and outside of the rezoning area, including a 46-74 Gansevoort Street (Block 643, Lots 43, 49, and 54). To mitigate these potential impacts, it was proposed that industrial uses be required in the subject space to prohibit conversions and preserve the southern boundary of the Meat Market; and

**WHEREAS**, the mitigation, which was incorporated in the 1984 Declaration, limits the use of these properties to certain commercial and light manufacturing uses defined in Section 15-58 of the New York City Zoning Resolution. The declaration also obligates the owner of these properties to maintain space for meat-related uses contained in Use Groups 17A and 17B and, in the event of a vacancy, to use best efforts to rent to such uses; and

**WHEREAS**, Section 2.01 of the Restrictive Declaration D-94 was modified in 1998 (1998 Declaration), pursuant to an application to modify the project, (M 840260B ZMM) to allow Use Group 6 uses, as allowed within an M1-5 District, for property located at 46-50 Gansevoort Street (Block 643, Lot 54), while Lots 43 and 49 would continue to be limited to those permitted uses listed in Exhibit D of the 1984 Declaration; and

**WHEREAS**, Section 2.01 of the Restrictive Declaration D-94 was further modified in 2003 (2003 Declaration), pursuant to an application to modify the project, (M 840260C ZMM), expanding the permitted uses to allow Use Groups 6 and 9 on Lots 43 and 49 and Use Group 9 on Lot 54 (as Use Group 6 uses were already permitted on Lot 54 pursuant to the 1998 Declaration). This modification did not affect the prohibition on office uses (Use Group 6B), eating and drinking establishments with entertainment uses, and eating and drinking establishments of any type located in the rear yards or on the roof on lots 43, 49, and 54; and

**WHEREAS**, the proposed modification will allow office uses (Use Group 6B) and Use Groups 3 and 4 community facility uses, as permitted by the underlying M1-5 zoning, in an existing building located at 46-74 Gansevoort Street (Block 643, Lots 43, 49, and 54). The prohibition on

eating and drinking establishments with entertainment uses, and eating and drinking establishments of any type located in the rear yards or on the roof on lots 43, 49, and 54 will remain unaffected by this change; and

**WHEREAS**, this application (M 840260F LDM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq., and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order 91 of 1977. The designated CEQR number is 82-270M. The lead is the City Planning Commission.

The effects of the proposed actions were analyzed in Technical Memorandum #5, dated October 25, 2019. A Revised Technical Memorandum #5, dated January 17, 2020, was issued to provide technical clarity. The Revised Technical Memorandum #5 concluded that the proposed actions would not result in any significant adverse environmental impacts; and

**WHEREAS**, this application (M 840260F LDM) was reviewed by the City Coastal Commission for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 30, 2013 and by the New York State Department of State on February 3, 2016, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981, (New York State Executive Law, Section 910 et seq.) The designated WRP number is 20-009. This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program; and

**WHEREAS**, on October 28, 2019, this application was referred by the Department of City Planning to Community Board 2; and

**WHEREAS**, Community Board 2, at a meeting on December 19, 2019, by a vote of 38 in favor and none opposed, adopted a resolution recommending denial of the proposed modification of

Restrictive Declaration D-94 unless the applicant agrees to meet the following conditions<sup>1</sup>:

1. A maximum of two additional liquor licenses and four beer and wine licenses, in addition to the existing liquor license that exists at the Site;
2. No liquor license may be sought/obtained for any spaces contiguous to and/or with direct access to any Outdoor Premises;
3. No building height increases over 5' above what currently exists and/or is reflected in current Department of Buildings approved plans, and only in the event of casualty;
4. No transfer of unused Floor Area for use at 803-807 Washington Street;
5. Any unused Floor Area must adhere to the Restrictive Declaration if ever developed at the Site;
6. Operational Restrictions on the Outdoor Premises, including:
  - a. Visual and sound attenuation screening will be installed along the southern perimeters of the 2nd floor terraces;
  - b. No mechanical equipment may be located in the Site's rear yards;
  - c. Roofs and Terraces are to be used for passive recreation only;
  - d. Terraces will close at 8 p.m. Sunday-Wednesday; 10 p.m. Thursday- Saturday;
  - e. The fifth-floor rooftop will close at 10 p.m. daily; and
  - f. Music and amplified sound will be prohibited on all roofs and Terraces.
7. 1,775 rentable square feet (RSF) of space on the lower level of 68 Gansevoort Street (which may be relocated within the Site) to be leased to a non-profit arts organization for \$1/year;
8. 4,000 RSF of space off-Site at the site comprised of 7-11 Weehawken Street, 300 West 10th Street, and 171-177 Christopher Street, New York, NY;
  - a. To be allocated as evenly as possible between non-profit service and arts organizations;
  - b. Leased at a rental rate of \$25 per RSF with a 10% increase every 5 years;
  - c. The space allocated to service organization (approximately 2,000 RSF) will be

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<sup>1</sup>Original report quoted the Community Board's conditions. Quotes have been removed to reflect formatting and stylistic differences between the Community Board's resolution and the conditions enumerated herein.

subject to right by service organization or Owner to opt for an annuity or lump sum in lieu of space, approximately commensurate with the value of the rent; and

d. This space will be made available no later than 36 months following the final, unappealable approval of the Application.

9. No more than 50% of the total square footage of the community benefit spaces will be below grade.<sup>2</sup>

**WHEREAS**, the Commission has determined that the application warrants approval; and

**WHEREAS**, the Commission notes that the 1984 Declaration was intended to mitigate potential adverse impacts on industrial/meat-related businesses and that the area's land use, neighborhood character, socioeconomic conditions, as well as the meatpacking industry itself, have changed substantially since then; and

**WHEREAS**, the Commission also notes that this modification to allow Use Group 6B office uses and Use Groups 3 and 4 community facility uses in an existing building located at 46-74 Gansevoort Street (Block 643, Lots 43, 49, and 54) will permit uses already allowed by the underlying M1-5 District, and that the anticipated office use with community facility of the subject site is consistent with the existing uses found in the immediate vicinity of the project site, as well as the contemporary character of the surrounding neighborhood; and

**WHEREAS**, the Commission believes the proposed modification to allow Use Group 6B office use, Use Groups 3 and 4 community facility uses as permitted by the underlying zoning reflects and complement the changing mix of uses in the vicinity in the past decades, notably the substantial reduction in meat-related uses and the increase in commercial offices, arts and cultural establishments, retail, eating and drinking and entertainment; and

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<sup>2</sup> Original report implied that this commitment applied only to off-site community benefit space. However, the condition that no more than 50% of the community benefit space be located below grade applies to the total square footage of both the on-site and off-site community benefit spaces, collectively.

**WHEREAS**, as recognized in its previous approvals of modifications to Restrictive Declaration D-94 (M 840260B ZMM; M 840260C ZMM), the Commission believes this evolving use mix stems not from the rezoning in 1984, but is related to broader economic trends within the city, as well as technological and economic changes within the meat industry affecting production and distribution; and

**WHEREAS**, the Commission, therefore, concludes that this modification of the Restrictive Declaration provides sufficient flexibility within appropriate parameters to allow the subject property to reasonably adapt to the area's current and foreseeable land use trends;

**RESOLVED**, that having considered the Revised Technical Memorandum which was issued January 17, 2020 with respect to this application the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

**RESOLVED**, that the City Coastal Commission finds that the action will not substantially hinder the achievement of any WRP policy and hereby determines that this action is consistent with WRP policies; and be it further

**RESOLVED**, that the application submitted by 60-74 Gansevoort Street LLC, 52-58 Gansevoort Street LLC and 46-50 Gansevoort Street LLC for a modification to Restrictive Declaration D-94 (C 840260 ZMM), as amended, to allow Use Groups 3, 4 and 6B uses in accordance with the underlying zoning regulations on three existing zoning lots located at 60-74 Gansevoort Street (Block 643, Lot 43), 52-58 Gansevoort Street (Block 643, Lot 49), and 46-50 Gansevoort Street (Block 643, Lot 54), in an M1-5 District, Borough of Manhattan, Community District 2, is approved.

The above resolution, duly adopted by the City Planning Commission on January 22, 2020 (Calendar No. 5), is hereby filed with the Office of the Speaker, City Council.

**MARISA LAGO**, *Chair*

**KENNETH J. KNUCKLES, ESQ.**, *Vice Chairman*

**DAVID BURNEY, ALLEN P. CAPPELLI, ESQ., ALFRED C. CERULLO III,  
RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN,  
RAJ RAMPERSHAD**, *Commissioners*